

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

SAINT VINCENTS CATHOLIC MEDICAL
CENTERS OF NEW YORK d/b/a SAINT VINCENT
CATHOLIC MEDICAL CENTERS, *et al.*,

Chapter 11
Case No. 05-14945 (ASH)
(Jointly Administered)

Debtors.

**DESIGNATION OF RECORD AND STATEMENT OF ISSUES
ON CROSS-APPEAL PURSUANT TO FED. R. BANKR. P. 8006**

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Appellees and Cross-Appellants Saint Vincents Catholic Medical Centers of New York d/b/a Saint Vincent Catholic Medical Centers (“SVCMD”), CMC Physician Services, P.C., CMC Radiological Services P.C., CMC Cardiology Services P.C., CMC Occupational Health Services P.C., Medical Service of St. Vincent’s Hospital and Medical Center, P.C., and Surgical Service of St. Vincent’s, P.C., as reorganized debtors (collectively, the “Debtors” and after August 30, 2007, the “Reorganized Debtors”), and the Official Committee of Unsecured Creditors (the “Committee”) (collectively, the “Objectors”) designate the following documents as the record and the following issues on cross-appeal:

DOCUMENTS¹

The Objectors incorporate the list of documents designated in McDermott Will & Emery LLP’s (“McDermott”) Designation of Record and Statement of Issues on Appeal Pursuant to Fed. R. Bankr. P. 8006 dated October 11, 2007. The Objectors also designate the following documents as the record on cross-appeal:

1. Declaration of Richard Boyle in Support of Debtors’ Response and Objection to First Interim Application of McDermott Will & Emery LLP for Compensation for Professional Services Rendered and Reimbursement of Expenses Incurred on Behalf of the Debtors for the Period July 5, 2005 through September 30, 2005, sworn to October 17, 2006.
2. Declaration of Elizabeth St. Clair in Support of Debtors’ Response and Objection to First Interim Application of McDermott Will & Emery LLP for Compensation for Professional Services Rendered and Reimbursement of Expenses Incurred on Behalf of the Debtors for the Period July 5, 2005 through September 30, 2005, sworn to October 17, 2006.
3. Declaration of Leo T. Crowley in Support of Debtors’ Response and Objection to First Interim Application of McDermott Will & Emery LLP for Compensation for Professional Services Rendered and Reimbursement of Expenses Incurred on Behalf of the Debtors for the Period July 5, 2005 through September 30, 2005, sworn to October 18, 2006.

¹ The Objectors will endeavor to coordinate with McDermott to provide the District Court with copies of each of the items designated by each of the parties to be included in the record once a District Court judge is assigned to this matter.

4. Declaration of Guy Sansone in Support of Debtors' Response and Objection to First Interim Application of McDermott Will & Emery LLP for Compensation for Professional Services Rendered and Reimbursement of Expenses Incurred on Behalf of the Debtors for the Period July 5, 2005 through September 30, 2005, sworn to October 17, 2006.
5. Debtors' Reply to Response of McDermott Will & Emery LLP ("MWE") to Debtors' Objection to MWE's Application For Compensation For Professional Services Rendered and Reimbursement of Expenses Incurred on Behalf of the Debtors For the Period July 5, 2005 Through September 30, 2005.
6. Notice of Cross-Appeal to District Court Pursuant to Fed. R. Bankr. P. 8002(a), dated October 9, 2007. [DE: 3796]

ISSUES ON CROSS-APPEAL

1. Whether the bankruptcy court erred in ruling that it could not reduce the amount of compensation to McDermott to account for the harm McDermott's services caused to the Debtors' estates.
2. Whether the bankruptcy court erred by failing to reduce the award of compensation to McDermott by the full amount of the fees billed in connection with the closure of St. Mary's Hospital (\$248,704) after the court ruled that McDermott's services were not performed within a reasonable amount of time and were not beneficial at the time at which the services were rendered within the meaning of Sections 330(a)(3)(D) and 330(a)(3)(C) of the Bankruptcy Code, respectively.
3. Whether the bankruptcy court improperly excluded the Declaration of Guy Sansone in Support of Debtors' Response and Objection to First Interim Application of McDermott Will & Emery LLP for Compensation for Professional Services Rendered and Reimbursement of Expenses Incurred on Behalf of the Debtors for the Period July 5, 2005 through September 30, 2005, sworn to October 17, 2006, from the trial record.

Dated: New York, New York
October 19, 2007

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